

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. <u>2:13-cv-12218-NGE-DRG</u>
	)	
v.	)	
	)	
APRIL HOUSE,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S MOTION FOR EXTENSION  
OF TIME TO FILE DISPOSITIVE MOTIONS**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 16 hereby moves for the entry of an order extending the time within which the parties may file dispositive motions, and states:

1. Fed. R. Civ. P. 16(b)(4) states that “[a] schedule may be modified [] for good cause and with the judge’s consent.” *Id.* Good cause is determined based upon the moving party’s “diligence in attempting to meet the case management order’s requirements.” *Johnson v. Muskingum Co. Sheriff’s Dep’t*, 2013 WL 6504692, at \*4 (S.D. Ohio 2013) (extending discovery deadline) quoting *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir.2002). The Court should “also consider possible prejudice to the [opposing] party.” *Id.*

2. On August 26, 2013, this Court entered an order setting the discovery deadline for January 3, 2014, and the dispositive motion deadline for today, February 3, 2014. *See* CM/ECF 12.

3. On January 8, 2014, this Court entered an order extending the discovery deadline by forty-five (45) days, or until February 17, 2014.

4. At this time, Plaintiff is not ready to file its dispositive motions because the parties are still in discovery proceedings. As such, Plaintiff respectfully requests that this Court enter an order extending the dispositive motion deadline until thirty (30) days after the discovery deadline, or until March 19, 2014.

5. This request is made in good faith and not made for the purpose of undue delay.

6. No party would be prejudiced by granting the extension of time.

7. Plaintiff attempted to confer with counsel for Defendant prior to filing this Motion although no response was received.

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests that this Court enter an order extending the time within which the parties have to file dispositive motions until March 19, 2014. A proposed order is attached for the Court's convenience.

Dated: February 3, 2014

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti